

Design and Access Statement

Retrospective Lawful Development Certificate (Use as C4 HMO)

Property: 108 Hough Lane, Wombwell, Barnsley, S73 0EF

1. Introduction

This statement supports an application for a retrospective Lawful Development Certificate (LDC) under Section 191 of the Town and Country Planning Act 1990 (as amended). The application seeks to confirm the lawfulness of the existing use of the property at 108 Hough Lane as a small House in Multiple Occupation (HMO) within Use Class C4.

The property is currently occupied by multiple unrelated tenants, each with their own tenancy agreement. The use is established and continuous. Due to the Article 4 Direction introduced in Barnsley in 2021, planning consent is required for the change of use from C3 (dwellinghouse) to C4 (HMO).

2. Site and Property Description

- Address: 108 Hough Lane, Wombwell, Barnsley, S73 0EF
- Owner/Applicant: MKDS Property Ltd
- Building Type: Two-storey mid-terraced dwelling with attic accommodation and cellar
- Current Use: Small HMO (Use Class C4)
- Accommodation (per existing floor plan):

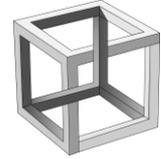
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- Ground Floor: Kitchen/dining room (21.20m²), Bathroom (3.20m²),
- Room 1 (10.32m²),
- First Floor: Room 2 (11.57m²), Room 3 (12.93m²), Bathroom (5.19m²),
- Second Floor: Room 4 (attic) (13.23m²)
- Ancillary: Cellar, entrance hall, landings

The property lies within a residential area of Wombwell, with a mix of terraced houses and small-scale HMOs.

3. Planning Context

- The property was converted and had been operating as an HMO prior to the enforcement visit in July 2025.
- An Article 4 Direction (2021) requires planning consent for HMO conversions in Barnsley.
- This application is retrospective, seeking to regularise the existing use as a lawful small HMO (C4).



4. Design Considerations

Internal Layout

- The existing internal layout provides four tenant bedrooms and two shared bathrooms.
- A large communal kitchen/dining area ensures compliance with Barnsley Amenity Standards (2022).
- Bedrooms exceed the minimum room size requirements set out in the Housing Act 2004 and HMO Management Regulations.

Fire Safety & Compliance

Following the inspection report (July 2025) and the applicant's response Response Letter quotation in attachment.

- Fire blankets, thumb turn locks, and FD30/FD60 fire doors are being installed as required.
- Emergency lighting and fire detection systems are planned in compliance with BS 5266 and Housing Act standards.
- Window restrictors and safety signage are being fitted where necessary.
- Certificates for gas safety, electrical safety, and fire alarm testing are being obtained.

Environmental Health

- Where window ventilation is insufficient (Room 1), mechanical ventilation will be installed if required.
- Room 3 window will be upgraded for compliant fire egress.
- Waste disposal and storage comply with local standards.

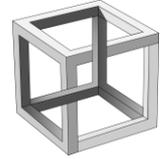
5. Access Considerations

- The property is located on Hough Lane, with direct access from the public highway.
- Pedestrian access is safe and direct via the main entrance hall.
- Emergency escape routes are available through front and rear doors; both upgraded with thumb-turn locks for keyless egress.
- The property is well connected to public transport and local amenities, reducing reliance on private vehicles.

6. Statement of Lawfulness

The property has been continuously occupied and operated as a small HMO prior to and since the July 2025 inspection. The proposed works (fire safety upgrades, ventilation improvements, certification) do not constitute a material change in structure, but rather compliance improvements to ensure tenant safety and comfort.

This application, therefore, seeks confirmation that the use of 108 Hough Lane as a small HMO (C4) is lawful.



7. Conclusion

The retrospective change of use to a small HMO at 108 Hough Lane not only provides much-needed Housing in Barnsley but also supports affordable accommodation for residents, thereby making a significant contribution to the community.

The property:

- Meets the internal space standards for HMOs,
- Provides safe and accessible living arrangements,
- Incorporates ongoing improvements in fire safety and environmental health compliance,
- Respects the residential character of the surrounding area.

On this basis, we respectfully request that the Local Planning Authority issue a Lawful Development Certificate confirming the lawful HMO use of the property, with the hope for a positive outcome.